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Explanation of Changes Ver. D to Ver. O

SB92: Derelict Vessels Act

1. Page 2, Line 28: Amends Section. 3 (AS 05.25.055(i)) by removing the words "The United States or." [The words "The United States or" are currently in existing law and appeared in the previous version of the bill.]
2. Page 5, Line 10: Amends Section. 9 (AS 30.30.010(a)) by removing the word "Docked." [The word "Docked" is currently in existing law and appeared in the previous version of the bill.]
3. Page 5, Line 20: Amends Section. 11 (AS 30.30.010(e)) by changing the proposed penalty from a "B" misdemeanor to an "A" misdemeanor [The previous version of the bill proposed to make the violation a class "B" misdemeanor. Existing law stipulated a violation under AS 30.30.010 was an unclassified misdemeanor.]
4. Page 5, Line 27: Amends Section. 12 (AS 30.30.010) by removing the words "(a) of" to the proposed newly created subsection (f). [The newly created subsection (f) to AS 30.30.010 permits the Department of Natural Resources and municipalities to report a violation to the Attorney General. Whereas the previous version only permitted reporting of a violation to AS 30.30.010 (a), the proposed CS permits reporting of any violation under AS 30.30.010.]
5. Page 6, Lines 4-6: Amends Section. 13 (the proposed newly created AS 30.30.015) by rewriting the following sentence to read "On application for injunctive relief and a finding that a person has violated AS 30.30.010, the superior court may grant the injunction. [The sentence in the prior version of the bill read "On application for injunctive relief and a finding of a violation or a threatened violation, the superior court shall grant the injunction.]

6. Page 6, Lines 14, 17: Amends Section. 14 (AS 30.30.030) by changing the days a vessel owner has to obtain authorization to be exempted from a derelict classification from "30" to "14."
7. Page 7, Lines 5, 8: Amends Section. 15 (AS 30.30.040) by changing the wording to read "the state agency or municipality." [The prior version of the bill proposed using the wording "the state or municipal agency."]
8. Page 7, Line 7: Amends Section. 15 (AS 30.30.040) by adding the words "if possible." [The prior version of the bill required the state agency or municipality to physically post a written notice of impoundment on the vessel 30 days prior to impoundment without exception.]
9. Page 7, Line 27-28: Amends Section. 16 (the proposed newly created AS 30.30.040) by adding language that reads "with the state agency or municipality that sent the notice." [The prior version of the bill afforded the vessel owner to file a demand for a pre-impoundment hearing. But the previous version did not specify to what entity the vessel owner could make such a demand.]
10. Page 8, Lines 9, 16-17: Amends Section. 16 (the proposed newly created AS 30.30.040) by changing the wording to read "the state agency or municipality." [Please see Change 7.]
11. Page 8, Lines 21-22: Amends Section. 17 (the proposed newly created AS 30.30.045) by changing the wording to read "the state agency or municipality." [Please see Change 7.]
12. Page 9, Lines 9-10, 12, 16, 23, 25, 27, 29: Amends Section. 18 (the proposed newly created AS 30.30.055) by changing the wording to read "the state agency or municipality." [Please see Change 7.]
13. Page 9, Line 26: Amends Section. 18 (the proposed newly created AS 30.30.055) by changing the reference from AS 30.30.097 to AS 30.30.096. [This is due to subsequent proposed newly created sections being removed and renumbered in the Committee Substitute.]
14. Page 10, Lines 19-20, 23; Page 11, Line 1, 9, 12: Amends Section. 20 (the proposed newly created AS 30.30.065) by changing the wording to read "the state agency or municipality." [Please see Change 7.]

15. Page 11, Lines 12-20: Amends Section. 20 (the proposed newly created AS 30.30.065) by adding a new paragraph (2) to subsection (e) that reads “the hearing officer shall award to the owner attorney fees and costs incurred in the hearing; the award shall be made as provided by Rules 69, 79, and 82, Alaska Rules and Civil Procedures.” [The prior paragraphs (1), (2), and (3) have been consolidated under paragraph (1) and organized with subparagraphs (A), (B), and (C).]
16. Page 11, Line 24: Amends Section. 21 (the proposed newly created AS 30.30.075) by changing the wording to read “the state agency or municipality.” [Please see Change 7.]
17. The prior version’s Section. 22, related to insurance requirements, is removed and not in the proposed Committee Substitute. The following sections are renumbered accordingly.
18. Page 12, Lines 2, 22: Amends AS 30.30.090 (Current Section. 22, Prior Version Section. 23) by adding the word “abandoned” to the list of actions that constitute the classification of derelict vessel.
19. Page 12, Lines 8-24: Amends AS 30.30.090 (Current Section. 22, Prior Version Section. 23) by removing the words “and if” on line 8. This removal of words requires reformatting the subparagraphs into paragraphs. [The words “and if” are currently in existing law and were in the prior version of the bill.]
20. Page 12, Line 26: Amends the title of the proposed newly created AS 30.30.095 (Current Section. 23, Prior Version Section. 24) by renaming it “Duties and Powers of the Department” from “Derelict Vessel Prevention Program.” [Conforming to this change, the subsequent new proposed section AS 30.30.096 entitled “Duties and Powers of the Department” has been removed and absorbed into AS 30.30.095, and the new proposed section AS.30.30.097 entitled “Derelict Vessel Prevention Fund” is renumbered is now section AS 30.30.096 under the Committee Substitute.]
21. Page 12, Line 27: Amends the proposed newly created AS 30.30.095 (Current Section. 23, Prior Version Section. 24) to add new language that reads “subject to appropriations.”
22. Page 13, Line 14: Amends the proposed newly created AS 30.30.096 (Current Section. 23, Prior Version Section. 24) by changing the wording to read “the state agency or municipality.” [Please see Change 7.]

23. Page 13, Line 25: Amends the proposed newly created AS 30.30.096 (Current Section. 23, Prior Version Section. 24) by changing paragraph (b)(4) to read “money collected under AS 05.25.096(a)(5) and (6). [The prior version read “money received by the Department of Administration for registering and titling vessels.”]

24. Page 14, Lines 17-18: Amends AS 30.30.170 (Current Section. 25, Prior Version Section. 26), by defining “state agency” rather than “state or municipal agency” in accordance with the changes originating in Change 7 and conformed through the Committee Substitute.

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